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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,665	02/25/2002	Abdelkhalek Elhadiri		6631

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EXAMINER	
KIM, CHONG HWA	
ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	10/082,665	ELHADIRI, ABDELKHALEK	
	Examiner	Art Unit	
	Chong H. Kim	3682	

-- The MAILING DATE of this c mmunication appears on the c ver sheet with the corresp ndence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 1-15 are objected to because of the following informalities: throughout the claims there are numerous lack of antecedent basis for claim languages. If an element is introduced for the first time in a claim, such element should be preceded by an article "a" or "an". If an element has been described previously in a claim, then such element should be preceded by such words like "the" or "said". Furthermore, usage of the words "the preferred embodiment" should be avoided. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 8-11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dixon et al., U.S. Patent 5,853,068.

Dixon et al. shows, in Figs. 1-11, an apparatus and method for rapid removal of fluids contained within reservoirs in automotive or similar transportation vehicle comprising;

flexible hose 26, 28 and means of attachment of the distal end of the hose to the vehicle's access point to the fluid reservoirs within the vehicle;

flexible hose 26, 28 with flow directional valve 46 at proximal end with coupling suitable for attachment to the fill port of the storage canister 18;

the storage canister suitable to hold fluids of various viscosities and corrosive characteristics such as oils, lubricants, and coolants used within the vehicle;

wherein the container is provided with wheels 20 to enable ease of positioning and movement;

wherein the container is fabricated as a one piece molding made from a plastic (as described in column 11, lines 12-17);

wherein the container is provided with the means of determining fluid level by employing transparent plastics, or incorporation of a fluid level gauge 24a;

wherein the fluid level gauge is comprised of a graduated flexible clear tube;

wherein the container is provided with a handle 22 that enables lifting the device, as well as transporting the device by tilting the device to an angle upon which the transport wheels are engaged to freely rotate; and

wherein the method for rapid removal of fluids from a vehicle is comprised of placement of the apparatus within a proximal distance of the vehicle, connection of the fill flexible hose to the inlet port of the container, and connection of the power cord to an active electrical outlet 30a.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Zager, U.S. Patent 6,328,132 B1.

Zager shows, in Figs. 1 and 2, an apparatus and method for rapid removal of fluids contained within reservoirs in automotive or similar transportation vehicle comprising;

flexible hose 24 and means of attachment 14 of the distal end of the hose to the vehicle's access point to the fluid reservoirs within the vehicle;

flexible hose 36, 29 with flow directional valve 31 at proximal end with coupling 29' suitable for attachment to the fill port of the storage canister 39;

the storage canister suitable to hold fluids of various viscosities and corrosive characteristics such as oils, lubricants, and coolants used within the vehicle.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. in view of Prestwood et al., U.S. Patent 5,242,032.

Dixon et al. shows, as discussed above in the rejection of claim 1, the apparatus and method for rapid removal of fluids contained within reservoir in automobile comprising the storage canister which can have a volume usable for storage of more than one vehicle oil change and further comprising a fluid pump 62 powered by electric motor and a power cord 30, but fails to show the power cord being retractable and particularly incorporating a constant force spring spool.

Prestwood et al. discloses, in claim 12, an apparatus and method for rapid removal of fluids contained within a reservoir comprising a pump and a power cord for supplying power to the pump, wherein the power cord is retractable.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the power cord of Dixon et al. with the retractable power cord as taught by Prestwood et al. in order to provide a safer environment where accidental trip can be prevented.

As to the matter of incorporating a constant force spring spool to extract and retract power cord, Examiner takes Official Notice the fact that such spring spool is common knowledge in the lubrication service art for use in the retracting and extracting of cables or hose. Providing the spring spool in the electrical cable retraction and extraction device would have been an obvious practice for a person of ordinary skill in the art.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. in view of Holmes, U.S. Patent 4,689,144.

Dixon et al. shows, as discussed above in the rejection of claim 1, the apparatus and method for rapid removal of fluids contained within reservoir in automobile comprising the container, but fails to show a filter having screen and magnetic separator.

Holmes shows, in Figs. 1-3, a filter unit comprising a screw filter 42 and magnetic separator 80 to capture metallic debris and solid contaminants.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Dixon et al. by providing the filter unit as taught

by Holmes in the container in order to provide a cleaning device that is efficient enough to reuse the lubricant so that cost of maintaining can be reduced.

8. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zager.

Zager shows, as discussed above in the rejection of claims 1 and 3, the apparatus and method for rapid removal of fluids contained within reservoir in automobile comprising the container having inlet and outlet ports (37, 38) with quick release hose attachment 29' but fails to show the ports with seal and a spill proof check valve or o-ring and a reed/slit valve.

It would have been obvious to apply seal and quick release hose attachment with spill proof check valve or an o-ring seal and a reed/slit valve on the inlet outlet ports of Zager, since such a modification would have involved a mere application of a known material (or technology) on the ports. A selection of known material based on its suitability for the intended use is generally recognized as being within the level of ordinary skill in the art. *In re Leshin*, 125 USPQ 416.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. in view of Stich et al., U.S. Patent 6,027,128.

Dixon et al. shows, as discussed above in the rejection of claim 1, the apparatus and method for rapid removal of fluids contained within reservoir in automobile comprising the positioning wheels that facilitate steering through 360 degrees of directional change, but fails to show the wheel being a captured ball.

Stich et al. shows, in Figs. 4 and 5, an apparatus for transporting comprising positioning wheels 20A-20E including a captured ball 22A-22E that facilitate steering through 360 degrees of directional change.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wheel of Dixon et al. with the ball type wheel as taught by Stich et al. in order to provide a more stable rolling along a rough surface so that manual transportation is easier.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zager.

Zager shows, as discussed above in the rejection of claims 1 and 3, the apparatus and method for rapid removal of fluids contained within reservoir in automobile comprising the pump that includes a reversible electric motor, but fails to disclose that the pump is a positive displacement vane pump.

It would have been obvious to modify the pump type of Zager with a positive displacement vane pump, since such a modification would have involved a mere replacement of a known material (or technology). A selection of known material based on its suitability for the intended use is generally recognized as being within the level of ordinary skill in the art. *In re Leshin*, 125 USPQ 416. Furthermore, it is a well known fact that a positive displacement vane pump would be used for transporting fluid from one point to another.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Captured ball wheel.

Inoue, U.S. Patent 5,906,247

Fluid removal system.

Awad, U.S. Patent 6,523,580 B1

Damm et al., U.S. Patent 6,457,564 B1

Viken, U.S. Patent 5,472,064

Willingham, U.S. Patent 6,138,722

Viken, U.S. Patent 6,378,657 B2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Monday - Friday; 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

chk
June 13, 2003

CHONG H. KIM
PRIMARY EXAMINER